

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Belle Fourche School District
Accountability Review - Focus Monitoring Report 2008-2009**

Team Members: Chris Sargent, Donna Huber, Rita Pettigrew, Linda Shirley, Mary Borgman

Dates of On Site Visit: October 14th and 15th, 2008

Date of Report: November 7, 2008

3 month update due: February 7, 2009

Date Received:

6 month update due: May 7, 2009

Date Received:

9 month update due: August 7, 2009

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

1. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

State Performance Plan - Indicator 5: Percent of children with IEPs aged 6-21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

Finding: On-site October 14 & 15, 2008

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

A student's IEP must contain a statement of the student's special education and related services provided to the student. The student's IEP must also indicate the location of those services.

CFR 300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services

What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation the IEP.

Through interview and a review of student records, the monitoring team concluded the district did not consistently state the specific services to be provided and the amount of service in the IEP. The IEPs clumped together service (reading, math, and writing) along with a total amount of time and location. In other instances, "study hall" was documented as the service rather than specifying the specific service, such as reading, math, etc. Another IEP documented a shortened school day as "home" on the continuum, even though the students were with their peers during some of their instructional time. "Assistive technology" and "playground" were also documented as services that would impact the amount of time student would be removed from the regular classroom.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review and amend current procedures	May 2009	Special	

and train staff in how to document the special education and related services in a manner that reflects the districts specific commitment of service to the student. Only the amount of time a student is removed from the general education population will be used to calculate the placement decision for the continuum of alternative placements. Data Collection: The district will review all IEPs written during the progress reporting period and report to SEP the total number of IEPs reviewed and the number of IEP that specify the service to be provided, amount and location of the service.		Education Director and Staff	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

2. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

State Performance Plan - Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills;
- B. Acquisition and use of knowledge and skills; and
- C. Use of appropriate behaviors to meet their needs.

Finding: On-site October 14 & 15, 2008

The preschool teacher was provided technical assistance the day of the on-site review. In addition, documents were provided to reference when entering a program note for the BDI. Information was also provided regarding the BDI training to be conducted October 21st, 2008.

Corrective Action: None

1. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 2, 2006.

ARSD 24:05:17:03 Annual report of children served

The monitoring team was unable to validate correct placement on the child count for three students. Information reported on the SIMS net did not correlate with what was on the IEP cover sheets. Through validation on these student files, it was found that:

Student 36 is reported as a 505 on the child count, and the IEP cover sheet is marked as a 525.

Student 11 is reported as a 555; however, the evaluation does not support eligibility.

Student 37 is reported as 505 on the child count; however, the IEP reports 560 and the MDT reports 555.

Follow-up: October 14 & 15, 2008

Finding: Refer to General Supervision, item number three in this report.

2. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 2, 2006.

ARSD 24:05:30:04 Prior notice and parent consent

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

(1) Reviewing existing data as part of an evaluation or reevaluation; or

(2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

ARSD 24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, that evaluation procedures include the following:

(7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

The monitoring team found that transition evaluations were being completed, but there was no parent permission to administer the assessments. Written reports are not being generated on the transition assessment and given to the parents.

Follow-up: October 14 & 15, 2008

Finding:

The review team noted that transition evaluation was included on the prior notice/consent for evaluation and parent consent was obtained. However, written reports analyzing transition evaluation information could not be found in five files reviewed. Functional assessment information was not available in pertinent areas of eligibility. For example, for three students identified as "other health impaired" due to an ADHD diagnosis, functional behavior strengths and needs were not addressed during the evaluation process. A functional assessment report was not available for a preschool child. All evaluations listed on the prior notice/consent were not administered for five students.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district must review and revise policy, practice and procedure to ensure that all evaluations on the prior notice/consent are administered to include functional or developmental assessment in all areas of suspected disability. A written report of evaluation results must be developed and a copy provided to parents. Data Collection: The district will review all initial evaluations and reevaluation occurring during the 3-month reporting period and report the following: <ol style="list-style-type: none"> 1. The total number of files reviewed. 2. The number of files that contained functional/developmental assessment in all areas of eligibility. 	May 2009	Special Education Director and Staff	

3. The number of files that contain written reports summarizing all evaluation results.			
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

3. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 2, 2006.

ARSD 24:05:22:03. Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

The monitoring team identified the following issues:

Students 8 and 10 were reported as 555. Evaluation of achievement and ability were completed; however, no other evaluations completed to support this disability.

Student 2 was reported as a 525; however, the monitoring team was unable to find any evidence that showed an educational impact for this student. The student qualified with scores from achievement and ability; however, there was no functional assessment completed and no skill-specific information reported. The only goal was, "When given tests/quizzes when presented orally in all content area classes, ___ will demonstrate competency by achieving an 85% accuracy in 4 out of 4 trials for 18 consecutive weeks."

Student 15 was reported as 525 on the child count and 555 on the MDT. The evaluations do not support the eligibility for 525, and there were no evaluations completed to support the 555 disability, or to demonstrate how it impacts the student's education.

Students 17 and 13 are reported as 555 on the child count. Both are under the disability category for ADHD; however, there were no behavior evaluations completed on either student to support the disability.

Follow-up: October 14 & 15, 2008

Finding:

The review team identified the following issues based upon the December 2007 child count:

Student #1: This student was identified as 510 (cognitive disability). Evaluation data supports the category of 525 (specific learning disability).

Student #5: This student was identified as 530 (multiple disability = cognitive and orthopedic). Evaluation data supported the category of 510 (cognitive disability). The orthopedic impairment did not reflect such severe educational needs that the program could not be accommodated

solely for one of the impairments. This student did not meet criteria for occupational or physical therapy as a related service.

Student #6: This student was reported as 555 (other health impaired). The evaluation reports supported behavior issues occurring at home; however, clinically significant scores were not evident in the school setting, indicating no impact on education. Clinically significant scores were reported as 68 and above rather than 70 and above.

Student # 10: This student was reported as 555 (other health impaired). The multidisciplinary report did not have assessment data to support the statement pertaining to the student's hyperactivity. Behavior evaluations (either the Conner's or BASC-2) were not given.

Student #14: This student was identified as 525 (specific learning disability). Evaluation data did not support eligibility for this category.

Student #15: This student was reported as 515 (hearing impairment). Evaluation data did not show evidence of educational impact. The team may want to consider section 504 eligibility.

Student # 20: This student was reported as 555 (other health impaired). The evaluation data did not support eligibility in this category. The team may want to consider 525, specific learning disability, in the area of math.

The district's 2007 child count data by disability indicates an identification rate of 14.35% in the category of 555 (other health impaired) compared to a state average of 8.17%. The district's identification rate for the category of 515 (hearing impairment) is 1.91% compared to the state average of .90%. The document used for determining eligibility for student suspected as having a specific learning disability did not contain the required content from IDEA 2004. The district will begin using the new DDN campus document immediately.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review and amend, if necessary, the evaluation data for all students placed in the hearing impairment and other health impaired categories to ensure the evaluation data in the file supports disability category reported on the most recent child count and that the reporting category is the most appropriate category for the student. Data Collection: The district will review the evaluation procedures and data for all students in the categories noted above. The district will submit a chart listing each file reviewed, the student's disability reported on the 2007 child count, the date of the most recent evaluation, the district's determination if the evaluations support the disability category, the corrective action to be taken for errors noted (reevaluate, correct eligibility category, amend eligibility determination, conduct meeting etc.) and	December 1, 2008	Special Education Director Psychologist and Sped. Staff	

the date the corrective action was completed.			
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3 month Progress Report:
6 month Progress Report:
9 month Progress Report:

4. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 2, 2006.

ARSD 24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general curriculum.

(7) A statement of:

(a) How the student's progress toward the annual goals described in this section will be measured; and

(b) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled student's progress of:

(i) Their student's progress toward the annual goals; and

(ii) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

Through interview and a review of student records, the monitoring team determined progress towards annual goals was not reported in all files at the high school level.

Follow-up: October 14 & 15, 2008

Finding: Met Requirements

Through file reviews, the team found that progress toward annual goals was documented and copies of the progress reports were present in student records.

Corrective Action: None

5. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 2, 2006.

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

Present level of academic achievement and functional performance and annual goals

A student's IEP must contain present levels of academic achievement and functional performance based upon the skill areas affected by the student's identified disability. The present levels of academic achievement and functional performance are based upon the functional assessment information gathered during the comprehensive evaluation process.

The monitoring team found student files lacked the required content in the PLAFFPs (i.e. specific skill area(s) affected by the student's disability, to include strengths and needs, along with how the disability affects the student's involvement in the general curriculum and parent input). File reviews indicated functional assessments are not being completed to acquire the skill-based information to develop present levels of performance for students eligible for special education services. Annual goals did not consistently specify skills the student could reasonably accomplish within a 12-month period. For example, "Will improve reading skills as measured by achieving a minimum of an 80% in all content area subjects." "Will read at the 6th grade level."

Follow-up: October 14 & 15, 2008

Finding: Met Requirements

Through file review, the team found that present levels of performance contained specific skills affected by the student's disability to include strengths, needs, how the disability affected the student's involvement/progress in the general curriculum and parent input. Annual goals reflected a 12-month skill based measurable outcome.

Corrective Action: None

6. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 2, 2006.

ARSD 24:05:27:01.02 Development, review and revision of the IEP- Consideration of Special

Factors

In developing, reviewing, and revising each student's IEP, the team shall consider the strengths of the students and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the students as appropriate, and the results of the student's performance on any general state or district-wide assessment program. The individualized education program team also shall: In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports, to address that behavior.

In several student files reviewed, behavioral assessment and/or present levels of performance contained information regarding the impact of student behavior on educational performance. However, in developing the IEPs for these students, the team checked "no," that the behavior does not impede learning and did not address strategies, including positive behavioral interventions and supports to address the behaviors.

Follow-up: October 14 & 15, 2008

Finding: Met Requirements

IEPs for students with behavior concerns indicated that the behavior did impede learning and included positive intervention strategies.

Corrective Action: None

7. GENERAL SUPERVISION

Present levels:

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Finding: On-site October 14 & 15, 2008

Through a review of 14 student files, data gathered by the team indicated accommodations/modifications did not consistently relate to the skill areas affected by the disability, were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for State/District wide assessment were not consistently used during the assessment administration.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodations are appropriately documented and provided during state/district assessments. <p>Data Collection: The district will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"> 1. Written description of the district's review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training, and sign-in sheet with names of all participants/position titles, who attended the training. 	April 15, 2009	Special Education Director and Staff & Testing Coordinator	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report: